

REMARKS

This paper is supplemental to the response to the Office Action of March 18, 2008, and the Advisory Action of September 17, 2008.

An Examiner conference was had on Nov. 13, 2008, concerning the status of the claims and the searched art. The Examiner indicated that a supplemental search would be conducted. A discussion was had regarding the currently claimed apparatus, and agreement was reached that the Applicant would recite the proximity head, as the proximity head is the structure that forms the claimed meniscus.

Based on this amendment, the Examiner indicated that the search scope would be better focused, and reconsideration would be granted. The Examiner further indicated that the current state of the Notice of Appeal would be withdrawn, and the Office would reopen prosecution, obviating the need to file a formal Appeal Brief. An extension is hereby paid electrically, to place the response current, allowing the Examiner to opine on the newly amended claims.

For at least these reasons, and those identified in the last Office Action response, the Applicants submit that the claims are patentable over the art of record. A Notice of Allowance is respectfully requested.

If the Examiner has any questions concerning the present amendment, the Examiner is kindly requested to contact the undersigned at (408) 749-6903. Please charge a one month extension to the deposit account. If any other fees are due in connection with filing this amendment, the Commissioner is also authorized to charge Deposit Account No. 50-0805 (Order No LAM2P474). A duplicate copy of the transmittal is enclosed for this purpose.

Respectfully submitted,
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